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Docket No: ENP-078

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Yao-Ling Qiu, Ly Tam Phan, Zhigang Chen, Tongzhu Liu and Yat Sun Or

Application No.: 10/806,748

Group Art Unit: 1623

Filed: March 23, 2004

Examiner: Not Yet Assigned

Confirmation No.: 2529

Title: 11-12 Bicyclic Erythromycin Derivatives

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
10/5/04	<i>Rachel Meehan</i>
Date	Signature
RACHEL MEEHAN	
Typed or printed name of person signing certificate	

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or  
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
  - ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
  - ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):  
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper. (Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

(Applies to original applications (other than design) filed on or after May 29, 2000)

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in -§ 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
  - ☒ Copies of the cited references (AL-AN2 & AR-AT) are enclosed.
    - ☒ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
  - ☐ Copies of cited references are enclosed except those entered in prior application, U.S. Application No. [     ], to which priority under 35 U.S.C. 120 is claimed.  
[The earlier application contains copies of the cited references.]
  - ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
  - ☒ The “concise explanation” requirement (non-English references) for reference AM under 37 CFR 1.98(a)(3) is satisfied by:
    - ☐ the explanation provided on the attached sheet.
    - ☐ the explanation provided in the Specification.
    - ☐ submission of the enclosed International Search Report.
    - ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
    - ☒ the enclosed English language abstract.

- 3 -

The Examiner is requested to return a copy of the list of pending applications indicating which references were considered with the next office communication.


It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account ☐ in the amount of [\$ ]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 502807.

Respectfully submitted,

ELMORE CRAIG, P.C.

By 

Darlene A. Vanstone

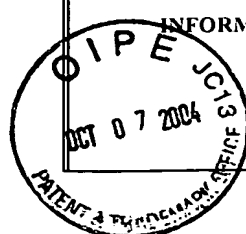
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Dated: October 5, 2004



PTO-1449 REPRODUCED		ATTORNEY DOCKET NO. ENP-078	APPLICATION NO. 10/806,748	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION		APPLICANT Yao-Ling Qiu, <i>et al.</i>		
September 24, 2004 (Use several sheets if necessary)		FILING DATE March 10, 2004	CONFIRMATION NO. 2529	GROUP 1623

U.S. PATENT DOCUMENTS				
EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER	ISSUE DATE / PUBLICATION DATE	NAME
	AA	5,866,549	02-FEB-1999	Or <i>et al.</i>
	AB	6,075,011 B1	13-JUN-2000	Or <i>et al.</i>
	AC	6,420,555 B1	16-JUL-2004	Dong <i>et al.</i>
	AD	6,774,115 B1	08-10-2004	Qiu <i>et al.</i>
	AE	6,765,016 B1	07-20-2004	Qiu <i>et al.</i>
	AF	6,790,835	09-14-2004	Qiu <i>et al.</i>
	AG	6,716,820	04-06-2004	Qiu <i>et al.</i>
	AH	6,124,269 A1	09-26-2000	Phan <i>et al.</i>
	AA2	6,399,582 B1	06-04-2002	Hlasta <i>et al.</i>
	AB2	6,028,181	02-22-2000	Or <i>et al.</i>

FOREIGN PATENT DOCUMENTS					
		DOCUMENT NUMBER	DATE	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION YES NO
	AL	EP 0 559 896 A1	22-NOV-1991	Kashimura <i>et al.</i>	
	AM	WO 93/021200	28-OCT-1993	Misawa <i>et al.</i>	X
	AN	WO 00/078773	28-DEC-2000	Abbott Lab	
	AO	WO 03/024986	27-MAR-2003	Ortho McNeil Pharm., Inc.	
	AP	WO 02/016380	28-FEB-2002	Basilea Pharmaceutica AG	
	AQ	WO 02/050091	27-JUN-2002	Glaxo Group, Ltd.	
	AL2	WO 02/050092	27-JUN-2002	Glaxo Group, Ltd.	
	AM2	WO 97/42205	13-NOV-1997	Abbott Lab	
	AN2	WO 03/004509	16-JAN-2003	Chiron Corporation	

EXAMINER	DATE CONSIDERED
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